

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ALPHA CHI OMEGA BUILDING
ASSOCIATION OF NEW MEXICO, INC.,
a New Mexico nonprofit corporation,

Plaintiff,

vs.

Civ. No. 13-216 KG/LFG

ALPHA CHI OMEGA NATIONAL HOUSING
CORPORATION, an Indiana nonprofit corporation,
ALPHA CHI OMEGA FRATERNITY, INC., an
Indiana nonprofit corporation, BANK OF AMERICA, NA,
a national association, FIDELITY NATIONAL TITLE OF
NEW MEXICO, INC., and ANY AND ALL UNKNOWN
CLAIMANTS OF INTEREST in the Premises Adverse to
Plaintiff,

Defendants.

ORDER OF REMAND

Plaintiff originally filed this lawsuit in the Second Judicial District Court, County of Bernalillo, State of New Mexico on January 16, 2013. *See* Petition to Quiet Title, and for Cancellation of Invalid Documents, Conversion, Breach of Contract, Breach of Fiduciary Duty, Slander of Title, Constructive Trust, Accounting and Damages (Doc. 1-1). Defendants Alpha Chi Omega National Housing Corporation and Alpha Chi Omega Fraternity, Inc. removed the case to federal court on March 6, 2013. Notice of Removal of Action (Doc. 1). On September 20, 2013, Defendant Fidelity National Title of New Mexico, Inc. (Fidelity) filed Defendant Fidelity National Title of New Mexico, Inc.'s Motion to Dismiss or in the Alternative, Motion to Remand (Doc. 59) (Fidelity Motion to Dismiss or Remand). Plaintiff and Defendant Alpha Chi Omega Fraternity, Inc. oppose Fidelity's request to dismiss the case, but they do not oppose remanding the case to state court. Response to Fidelity Motion to Dismiss or Remand (Doc. 65),

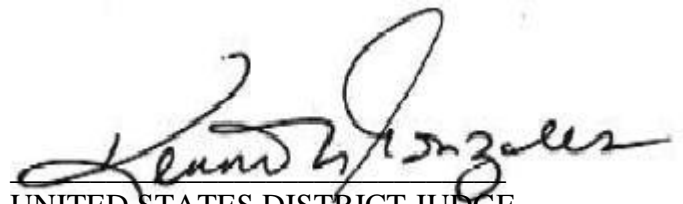
filed Sept. 27, 2013; Alpha Chi Omega Fraternity, Inc.'s Response to Fidelity National Title of New Mexico, Inc.'s Motion to Dismiss or in the Alternative, Motion to Remand (Doc. 70), filed Oct. 7, 2013. Fidelity now agrees with Plaintiff and Defendant Alpha Chi Omega Fraternity, Inc.'s position that the Court should remand this case to state court. Response to Motion to Remand and Reply to Response by Plaintiff and Alpha Chi Omega Fraternity, Inc. [to] Defendant Fidelity National Title of New Mexico, Inc.'s Motion to Dismiss or in the Alternative, Motion to Remand (Doc. 75), filed Oct. 18, 2013.

Shortly after Fidelity filed Fidelity's Motion to Dismiss or Remand, Plaintiff filed its own Motion to Remand (Doc. 66) on September 27, 2013. Plaintiff notes in its Motion to Remand that counsel for Defendant Bank of America, NA consents to the Motion to Remand. Motion to Remand at ¶ 8. Also, both Defendants Alpha Chi Omega Fraternity, Inc. and Alpha Chi Omega National Housing Corporation do not oppose Plaintiff's Motion to Remand. Alpha Chi Omega Fraternity, Inc.'s Response to Plaintiff's Motion to Remand (Doc. 71), filed Oct. 11, 2013; Alpha Chi Omega National Housing Corporation's Response to Plaintiff's Motion to Remand (Doc. 72), filed Oct. 11, 2013. In addition, Fidelity concurs in Plaintiff's Motion to Remand. Response to Motion to Remand and Reply to Response by Plaintiff and Alpha Chi Omega Fraternity, Inc. [to] Defendant Fidelity National Title of New Mexico, Inc.'s Motion to Dismiss or in the Alternative, Motion to Remand (Doc. 75).

Since all of the parties agree that the Court should remand this case to state court, the Court determines that it is appropriate and proper to remand this case to the Second Judicial District Court, County of Bernalillo, State of New Mexico.

IT IS ORDERED that

1. Defendant Fidelity National Title of New Mexico, Inc.'s Motion to Dismiss or in the Alternative, Motion to Remand (Doc. 59) is granted in that the Court will remand the case to state court;
2. Plaintiff's Motion to Remand (Doc. 66) is granted; and
3. this case is remanded to the Second Judicial District Court, County of Bernalillo, State of New Mexico.



UNITED STATES DISTRICT JUDGE